

**GENERAL ADMINISTRATIVE ORDER  
OF THE INDIANA UTILITY REGULATORY COMMISSION  
2000-1**

WHEREAS, in accordance with § 252 of the Telecommunications Act of 1996 ("TA 96"), interconnection agreements and amendments thereto between incumbent local exchange carriers ("ILECs") and requesting telecommunications carriers must be filed with the Indiana Utility Regulatory Commission ("IURC").

WHEREAS, all interconnection agreements and amendments thereto must be filed in accordance with the provisions of the IURC's Interim Procedural Order (June 5, 1996) and the Amended Interim Procedural Order (August 21, 1996) in Cause No. 39983.

WHEREAS, the IURC staff must review interconnection agreements and amendments thereto in compliance with TA96.

WHEREAS, to expedite review of interconnection agreements and amendments thereto, a Policy Governing the Submission of Interconnection Agreements and Amendments Thereto has been promulgated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Policy Governing the Submission of Interconnection Agreements and Amendments Thereto which is attached to the General Administrative Order as Appendix A be adopted by this Commission.

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William D. McCarty, Chairman

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G. Richard Klein, Commissioner

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David E. Ziegner, Commissioner

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Camie J. Swanson-Hull, Commissioner

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Judith G. Ripley, Commissioner

I hereby certify that the above is a true and correct copy of the resolution as approved.

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Joseph Sutherland, Secretary to the Commission

Date: \_\_\_\_\_

## APPENDIX A

### **POLICY GOVERNING THE ADOPTION AND/OR SUBMISSION OF INTERCONNECTION AGREEMENTS AND AMENDMENTS THERETO**

This policy is based upon the current expectations of the Indiana Utility Regulatory Commission (the "Commission") for the adoption and/or submission by parties of interconnection agreements and amendments thereto as required by the Telecommunications Act of 1996 ("TA96") and in accordance with the provisions of the Commission's Interim Procedural Order (June 5, 1996) and Amended Interim Procedural Order (August 21, 1996) in Cause No. 39983. In an effort to facilitate a uniform procedure for the submission of said material and to expedite the Commission staff's review thereof, the Commission hereby establishes these guidelines for the adoption and/or submission of interconnection agreements and amendments thereto. **These guidelines supercede those of Amended GAO 1998-1 (approved by the Commission on December 29, 1998).**

#### **A. Adoption of Previously Approved Interconnection Agreements or Arrangements**

1. Pursuant to the TA96 Section 252(i), an Incumbent Local Exchange Carrier ("ILEC") must make available to requesting telecommunications carriers all individual interconnection, service, or network element arrangements contained in any approved agreement to which it is a party, upon the same terms and conditions as those provided in the agreement. The IURC does not differentiate between negotiated and arbitrated agreements when considering requests under Section 252(i).
2. Arrangements in any interconnection agreement (including the entire agreement, if applicable) must be made available to a requesting carrier under Section 252(i) and the "pick and choose" rule [47 C.F.R. Section 51.809(a)] until the expiration date of that agreement. A requesting carrier may not receive arrangements from any agreement after the expiration date. For example, if an interconnection arrangement is included in an agreement that expires on December 31, 2000, it must be made available to other carriers only until December 31, 2000.
3. An interconnection agreement made available to a requesting carrier pursuant to Section 252(i), if adopted by that carrier, shall be adopted in its most current form, which must include any and all amendments made to the agreement up to the time of request.
4. A carrier proposing to adopt an existing voluntarily negotiated, mediated, or arbitrated interconnection agreement in its entirety shall submit a written request to the IURC specifying the interconnection agreement requested, and describing any and all changes to the original agreement that comply with Section A.8. below. This written request will be filed under IURC Cause No. 41268-INT-##. A copy of the original interconnection

agreement cannot be provided in lieu of such written request. Service of this written request must be made upon the ILEC representative listed in the underlying interconnection agreement by the requesting carrier on the same day the request is filed with the IURC.

5. A requesting telecommunications carrier wishing to adopt an existing agreement, either in whole or in part, must accept all terms and conditions set forth in the existing agreement or arrangement verbatim, except for non-substantive changes (e.g., changes in the names of the parties, internal references, and dates). The insertion of footnotes or new language seeking to clarify rates, terms, or conditions in the underlying agreement is not permitted.
6. If any individual interconnection, service, or network element adopted pursuant to Section 252(i) is included in an agreement which contains any other voluntarily negotiated and/or arbitrated rate(s), term(s), or condition(s), the Commission will view the entire agreement as a voluntarily negotiated or arbitrated agreement pursuant to Section 252(e) of TA96 and the IURC's Orders in Cause No. 39983.
7. An ILEC has twenty (20) days from the date that a carrier files a request to adopt an interconnection agreement to state all objections arising from the request and any exceptions to its duty to make arrangements available under Section 252(i). The Administrative Law Judge assigned to the case shall establish an expedited procedural schedule to resolve any disputes arising from an ILEC's objections or exceptions to a Section 252(i) request.
8. Pursuant to 47 C.F.R. Section 51.809(b), an ILEC is not obligated to make available any interconnection, service, or network element arrangement contained in any IURC approved agreement to which it is a party if the ILEC demonstrates that: (a) the cost of providing the interconnection, service, or network element arrangement to the requesting telecommunications carrier exceeds the cost of providing it under the original agreement, or (b) the provision of the individual interconnection, service, or element to the requesting carrier is not technically feasible. If the ILEC makes a claim under 8(a), it must submit comprehensive cost studies to the Commission in support of its claim.
9. The effective date of an adopted interconnection agreement, adopted individual interconnection arrangement, or amendment thereto shall be the date of the IURC's final order approving the adoption.

**B. Submission of Voluntarily Negotiated, Mediated, or Arbitrated Agreements**

1. Parties are to file a single, joint interconnection agreement, whether voluntarily negotiated, mediated, or arbitrated, with the Commission for final approval, unless otherwise stated in an applicable IURC arbitration order.

2. All voluntarily negotiated, mediated, or arbitrated agreements filed with the Commission shall contain prices for all applicable elements or services set forth therein and offered by the ILEC to the requesting carrier.

**C. Submission of Amendments to Agreements**

1. During the term of its agreement, an interconnecting carrier that enters into a negotiated or arbitrated agreement may modify the agreement by invoking its rights under Section 252(i) and the “pick and choose” rule [47 C.F.R. Section 51.809(a)].
2. All amendments to existing interconnection agreements must be approved by the IURC before taking effect.
3. All amendments to interconnection agreements filed with the Commission shall include a reference to the document being amended (including, at a minimum: page number(s), section or schedule number(s) and paragraph number(s)). Where applicable, all amendments shall also contain a reference to the IURC cause number associated with the interconnection agreement that is being amended.
4. All amendments to interconnection agreements filed with the Commission shall indicate the amended portions of the agreement as follows: additions shall be indicated in bold typeface; deletions shall be indicated in stricken typeface.
5. Any amendment to an interconnection agreement shall be filed under the cause number of the original underlying agreement, e.g., “First Amendment to Cause No. XXXXX-INA-##;” “Second Amendment to Cause No. XXXXX-INB-##;” etc.
6. A requesting telecommunications carrier that adopts an agreement or individual arrangement under Section 252(i) is not bound by any amendment to the original underlying agreement made subsequent to the adoption by the requesting telecommunications carrier.

**D. Submission of Superceding Agreements**

1. The term “superceding interconnection agreement” includes: (a) a new interconnection agreement negotiated upon the expiration of an existing agreement; and (b) a proposed interconnection agreement that will replace an existing agreement once adopted.
2. If a proposed interconnection agreement will supercede an existing interconnection agreement once adopted, a narrative that provides the cause number and date of approval of the existing agreement and a statement that the existing agreement is being superceded shall accompany the proposed interconnection agreement.

3. A superceding interconnection agreement will be assigned a new interconnection (“INT”) cause number.
4. A superceding interconnection agreement should include in its caption a reference to the agreement being replaced.

**E. General Administrative and Procedural Requirements**

1. Thirteen (13) copies shall accompany all interconnection agreements and amendments thereto filed with the Commission.
2. All voluntarily negotiated, mediated, or arbitrated interconnection agreements and amendments thereto filed with the Commission for approval shall be signed and fully executed by representatives of both companies. All such representatives shall have the authority to bind their respective companies to the terms and conditions of the agreement or amendment.
3. Whenever any interconnection agreement or amendment thereto filed with the Commission references any other contract, a copy of that contract shall be contemporaneously filed with the Commission.
4. All petitions accompanying agreements must include the name, address, and telephone number of a contact person for each party to the agreement. In the case of a written request submitted pursuant to Section A.4. above, the carrier shall include with the request the name, address, and telephone number of a contact person for the carrier.